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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application: He et al.

Filing Date: 11/15/03

Examiner: Jiping Lu

Serial No: 10/714,471

Art Unit: 3749

Invention: DEVICE AND METHODS FOR RAPID DRYING OF POROUS MATERIALS

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner of Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

This is written in response to a Restriction Requirement as set forth in an Office Action mailed on June 23, 2004.

Applicant provisionally elects Claims 1-10, Claims 21-22, and Claims 23-34 for prosecution with a traversal as set forth below.

The Examiner stated: "The application contains Claims directed to the following patentably distinct species of claimed inventions. Figures 1, 2, and 5 respectively." Applicant concedes that Figures 1 and 5 are directed toward an apparatus with a line bypassing a cold trap, whereas Figure 2 is directed toward an apparatus with no line bypassing a cold trap. It is not believed that there are three patentably distinct species of the claimed invention. At most, there might be two patentably distinct inventions. Does the Examiner think there are two or three distinct inventions and why? Clarification is respectfully requested.


Moreover, the criteria for restriction between patentably distinct inventions requires that the inventions (1) must be independent or distinct as claimed and (2) there must be a burden on the Examiner if restriction is required. There is no indication as to what inventions are patentably distinct and why in the Examiner's Office Action nor is there any indication as to why there is a serious burden on the Examiner in proceeding with this application with a restriction application.

Conclusion

The Applicant has elected a species consistent with the Examiner's Restriction Requirement as this Restriction Requirement is best understood. Applicant has requested clarification from the Examiner regarding the Restriction Requirement and whether the Examiner considers there to be two or three patentably distinct species of the claimed invention and is respectfully requesting clarification from the Examiner as to why the Examiner thinks there may be patentably distinct species of the invention, whether two or three. Finally, the Applicant has requested clarification from the Examiner as to what burden is placed on the Examiner by examination of this application without a Restriction Requirement.

If there is anything unclear or anything further is required from the Applicant, please advise me immediately. Thank you very much for your help and cooperation.

This the 19 day of July, 2004.


Michael E. Mauney
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CERTIFICATE OF SERVICE

I, Michael E. Mauney, do hereby certify that a copy of the foregoing Response to Restriction Requirement in:

In Re Application: He et al.

Filing Date: 11/15/03

Serial No: 10/714,471

Invention: **DEVICE AND METHODS FOR RAPID DRYING OF POROUS MATERIALS**

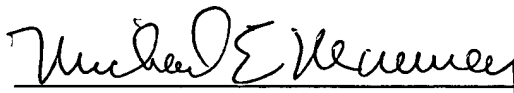
has this day been duly served upon:

Commissioner of Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Said service was made in the following manner:

- () By handing such copy to the aforementioned attorney, or by leaving said copy at the above mentioned attorney's office with a partner or employee of his office.
- (x) By depositing a copy of the aforementioned document(s) enclosed in a prepaid first class addressed envelope in the U. S. Mail.

This the 19 day of July, 2004.



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